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# HOUSE RESEARCH ORGANIZATION

## daily floor report

Wednesday, March 29, 2017  
85th Legislature, Number 41  
The House convenes at 10 a.m.

Nine bills are on the daily calendar for second reading consideration today. The table of contents appears on the following page.

The following House committees were scheduled to hold public hearings: Agriculture and Livestock in Room E1.010 at 8 a.m.; Ways and Means in Room E2.012 at 8 a.m.; and Appropriations in Room E1.030 at 3 p.m. or on adjournment. The following House committees are scheduled to hold public hearings at 10:30 a.m. or on adjournment: Criminal Jurisprudence Subcommittee on Asset Forfeiture in Room E2.036; Defense and Veterans' Affairs in Room E1.026; Higher Education in Room E2.030; Juvenile Justice and Family Issues in Room E2.016; Natural Resources in Room E2.010; and State Affairs in Room JHR 140.

The following Senate committees were scheduled to hold public hearings: Health and Human Services in the Senate Chamber at 8 a.m.; Transportation in Room E1.016 at 8 a.m.; Intergovernmental Relations in Room E1.028 at 9 a.m.; Higher Education in Room E1.012 at 9 a.m.; and Veteran Affairs and Border Security in Room 2E.20 at 1:30 p.m. or on adjournment.



Dwayne Bohac  
Chairman  
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## **HOUSE RESEARCH ORGANIZATION**

### **Daily Floor Report**

**Wednesday, March 29, 2017**

**85th Legislature, Number 41**

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SUBJECT: Authorizing the Military Department to purchase food and beverages

COMMITTEE: Defense and Veterans' Affairs — favorable, without amendment

VOTE: 7 ayes — Gutierrez, Blanco, Arévalo, Cain, Flynn, Lambert, Wilson  
0 nays

WITNESSES: For — None  
Against — None  
On — (*Registered, but did not testify*: Tracy Norris, Texas Military Department)

BACKGROUND: Government Code, sec 437.118 allows the Texas Military Department to use appropriated money to buy food and beverages for charged military housing and training functions required of the Texas military forces.

DIGEST: HB 1606 would authorize the Texas Military Department to use appropriated money to buy food and beverages for members of the Texas military forces on duty and students participating in the Texas ChalleNGe Academy.  
  
The bill would take effect September 1, 2017.

SUPPORTERS SAY: HB 1606 would address concerns that the Texas Military Department currently lacks statutory authority to use appropriated funds to purchase food and drinks for Texas military forces on duty and for those participating in the Texas ChalleNGe Academy, a residential military academy for at-risk youth.  
  
For an agency to buy food and beverages for its employees or others, it must have statutory authority. Currently, the Texas Military Department has statutory authority to use appropriated funds to buy food and drinks only for charged military housing and military forces on duty for required training functions. HB 1606 would expand this authority to include

military forces on duty and participants in the ChalleNGe Academy among those for whom the department could use appropriated money to buy food and drinks.

OPPONENTS  
SAY:

No apparent opposition.

NOTES:

An identical companion bill, SB 1302 by Lucio, was referred to the Senate Committee on Veteran Affairs and Border Security on March 14.

**SUBJECT:** Designating a portion of FM 1810 for Luther G. Prunty

**COMMITTEE:** Defense and Veterans' Affairs — favorable, without amendment

**VOTE:** 7 ayes — Gutierrez, Blanco, Arévalo, Cain, Flynn, Lambert, Wilson  
0 nays

**WITNESSES:** None

**BACKGROUND:** Transportation Code, sec. 225.001(c) allows part of the highway system, including a bridge or street, to be designated by the name of a deceased person who was significant in the state's history or in the lives of Texans.

Sec. 225.021(c) prohibits the Texas Department of Transportation from designing, constructing, or erecting a marker to designate a state highway unless a grant or donation of funds is made to the department to cover the costs.

**DIGEST:** HB 409 would designate a portion of Farm-to-Market Road 1810 in Jack County, from the intersection with State Highway 59 to the county's eastern boundary, as the Luther G. Prunty Memorial Highway.

Upon a donation of funds for the designation, the Texas Department of Transportation would design and construct markers indicating the designation and place one at each end and at appropriate intermediate sites along the highway.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

**SUPPORTERS SAY:** HB 409 would honor the life of Luther G. Prunty and memorialize his service in the U.S. Army during World War II, where he was a prisoner of war who was forced to build railways in the Burmese jungle in events that inspired the film "The Bridge on the River Kwai." After the war, Mr. Prunty returned to Jack County and was elected tax assessor-collector

before being appointed county auditor. He was an active member of the Jack County community, where he remained involved in several organizations and ranching after his retirement.

OPPONENTS  
SAY:

No apparent opposition.

**SUBJECT:** Designating the Lt. Col. Roy Lin Tisdale Memorial Highway

**COMMITTEE:** Defense and Veterans' Affairs — favorable, without amendment

**VOTE:** 7 ayes — Gutierrez, Blanco, Arévalo, Cain, Flynn, Lambert, Wilson  
0 nays

**WITNESSES:** For — Darrell Cassle; Jodi Cassle; Jayson Corbett; Travis Locke; Stephen Ruth; Cynthia Thurman; (*Registered, but did not testify*: Jamie Cook; Kim Tisdale)  
  
Against — None

**BACKGROUND:** Transportation Code, sec. 225.001(c) allows part of the highway system, including a bridge or street, to be designated by the name of a deceased person who was significant in the state's history or in the lives of Texans.  
  
Sec. 225.021(c) prohibits the Texas Department of Transportation from designing, constructing, or erecting a marker to designate a state highway unless a grant or donation of funds is made to the department to cover the costs.

**DIGEST:** HB 947 would designate a portion of Farm-to-Market Road 1462 between State Highway 288 and State Highway 35 as the Lieutenant Colonel Roy Lin Tisdale Memorial Highway.  
  
Upon a donation of funds for the designation, the Texas Department of Transportation would design and construct markers indicating the designation and place one at each end and at appropriate intermediate sites along the highway.  
  
The bill would take immediate effect if finally passed by a two-thirds vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

**SUPPORTERS  
SAY:**

HB 947 would honor the life of Lt. Col. Roy Lin Tisdale, who served 19 years in the U.S. Army and at the time of his death was the commander of the 525th Brigade Special Troops Battalion and the 525th Battlefield Surveillance Brigade. Lt. Col. Tisdale served two full tours in Iraq and two full tours in Afghanistan. During his military career, he received a Bronze Star Medal, Meritorious Service Medal, Army Commendation Medal, and a Purple Heart, among other honors, including graduating from the U.S. Army Ranger School.

The bill would pay tribute to Lt. Col. Tisdale, who was killed at age 42 by a fellow soldier at Fort Bragg on June 28, 2012. Tisdale's life and military service and that of other fallen military personnel are memorialized at annual memorial running events called "Running With Roy," which take place throughout Texas and at U.S. Army installations worldwide.

**OPPONENTS  
SAY:**

No apparent opposition.



SUBJECT: Designating a portion of SH 191 as the Chris Kyle Memorial Highway

COMMITTEE: Defense and Veterans' Affairs — favorable, without amendment

VOTE: 7 ayes — Gutierrez, Blanco, Arévalo, Cain, Flynn, Lambert, Wilson  
0 nays

WITNESSES: For — Kirk Edwards; (*Registered, but did not testify*: CJ Grisham)  
  
Against — None  
  
On — (*Registered, but did not testify*: Sacha Jacobson)

BACKGROUND: Transportation Code, sec. 225.001(c) allows part of the highway system, including a bridge or street, to be designated by the name of a deceased person who was significant in the state's history or in the lives of Texans.  
  
Sec. 225.021(c) prohibits the Texas Department of Transportation from designing, constructing, or erecting a marker to designate a state highway unless a grant or donation of funds is made to the department to cover the costs.

DIGEST: HB 1483 would designate the portion of State Highway 191 in Ector County as the Chris Kyle Memorial Highway.  
  
Upon a donation of funds for the designation, the Texas Department of Transportation would be required to design and construct markers indicating the designation and place one at each end and at appropriate intermediate sites of the highway.  
  
The bill would take effect September 1, 2017.

SUPPORTERS SAY: HB 1483 would continue the Odessa community's efforts to honor the sacrifice of Chris Kyle and pay tribute to all veterans, especially those in need. Last year, the community dedicated the Chris Kyle Memorial Plaza to the memory of the Odessa native and former Navy SEAL, who spent

his post-military career helping his fellow veterans transition back into civilian life. During the dedication ceremony, those in attendance voiced support for dedicating the portion of State Highway 191 that runs adjacent to the plaza as the Chris Kyle Memorial Highway. This bill would further the Odessa community's efforts to memorialize this heroic Texan.

OPPONENTS  
SAY:

No apparent opposition.

NOTES:

A companion bill, SB 868 by Seliger, was referred to the Senate Committee on Transportation on February 27.

SUBJECT: Allowing dissolution of Bois D'Arc Island Levee Improvement District

COMMITTEE: Special Purpose Districts — favorable, without amendment

VOTE: 7 ayes — Murphy, Perez, Bell, Cortez, Cosper, Lang, Schubert

0 nays

WITNESSES: For — Charles Reed, Dallas County Commissioners Court; (*Registered, but did not testify*: Craig Pardue, Dallas County)

Against — None

BACKGROUND: The Bois D'Arc Island Levee Improvement District (LID) was created in 1918 by Dallas and Kaufman counties. The district was codified in 2003 through the enactment of HB 3508 by Marchant by the 78th Legislature.

Under Water Code, ch. 57, levee improvement districts are organized for the purpose of reclaiming lands through a system of levees and drainage. Special District Local Laws Code, ch. 7801 stipulates that the Bois D'Arc district be governed by a board of five directors, elected on the first Saturday in May of each even-numbered year. The board may appoint a tax assessor-collector or contract with Dallas or Kaufman County to impose taxes.

DIGEST: HB 1709 would establish procedures for the commissioners courts of Dallas County and Kaufman County to dissolve the Bois D'Arc Island Levee Improvement District within 18 months of the next election of directors. The bill would allow the counties to dissolve the district if the appropriate number of directors were not elected or the elected directors failed to attend half of the board meetings within a year of the election.

To dissolve the district, the Dallas and Kaufman counties commissioners courts would have to issue an order providing for:

- the sale or transfer of the district's assets and liabilities;
- the administration of property, assets, and debts until all money

- was disposed of and debts were settled; and
- the continued provision of services without interruption to the extent the district was providing them.

The dissolution of the district and sale or transfer of assets and liabilities could not violate a trust indenture or bond resolution or impair the rights of the holders of outstanding bonds, warrants, or other obligations.

The bill would take effect September 1, 2017.

**SUPPORTERS  
SAY:**

HB 1709 would allow Dallas and Kaufman counties to dissolve the defunct Bois D'Arc Island Levee Improvement District (LID). Since the district's codification in 2003, the board of directors has never had any members and nobody has petitioned for an open position. Because only six voters would be eligible for the board, it is unlikely that a board would be elected.

The Texas Commission on Environmental Quality (TCEQ) currently is pursuing actions against LIDs in Kaufman County with nonfunctioning boards. This bill would dissolve the noncompliant district to avoid possible TCEQ enforcement actions and avoid potential fines.

Kaufman County currently holds \$7,000 in taxes collected from the district prior to its codification. This bill would provide for the transfer of those assets either back to the original taxpayers or to the General Revenue Fund. The Bois D'Arc Island LID holds no other assets, bonds, or liabilities.

This bill is a good opportunity to reduce the size of the government by allowing the counties to dissolve a district that does not provide any services. Ideally, the LID would operate and function as intended, but instead, the defunct district may be an impediment to property owners who want to improve or develop the land under its jurisdiction.

**OPPONENTS  
SAY:**

No apparent opposition.

SUBJECT: Expanding eligibility for TANF one-time payments

COMMITTEE: Human Services — favorable, without amendment

VOTE: 7 ayes — Raymond, Frank, Keough, Miller, Minjarez, Swanson, Wu  
0 nays  
2 absent — Klick, Rose

WITNESSES: For — Mary Moreno, Families Helping Families; Katherine Barillas, One Voice Texas; Kathryn Freeman, Texas Baptist Christian Life Commission; Patricia Hogue, Texas Lawyers for Children; Mercedes Bristol; Delia Martinez; Jesse Moreno; (*Registered, but did not testify*: Anne Dunkelberg, Center for Public Policy Priorities; Melissa Shannon, County of Bexar Commissioners Court; Charles Reed, Dallas County Commissioners Court; Sebastien Laroche, Methodist Healthcare Ministries of South Texas, Inc.; Greg Hansch, National Alliance on Mental Illness (NAMI) Texas; Will Francis, National Association of Social Workers-Texas Chapter; Kate Murphy, Texans Care for Children; Sarah Crockett, Texas CASA; Joshua Houston, Texas Impact; Pamela McPeters, TexProtects (Texas Association for the Protection of Children); Knox Kimberly, Upbring)  
  
Against — None  
  
On — Gina Perez, Health and Human Services Commission; (*Registered, but did not testify*: Elizabeth "Liz" Kromrei, Department of Family and Protective Services)

BACKGROUND: Human Resources Code, sec. 31.0041 authorizes the Health and Human Services Commission, if funds are available, to provide a \$1,000 one-time payment under the Temporary Assistance for Needy Families (TANF) program to a grandparent who is the primary caretaker of a dependent child. To receive the one-time payment, the grandparent must be at least 45 years old and fall below thresholds for family income and other monetary resources.

Sec. 31.0324(b) allows a grandparent to serve as a protective payee for a dependent child. A protective payee receives and uses the monetary assistance on behalf of the child and can apply for other financial assistance.

**DIGEST:** HB 132 would add an aunt, uncle, sister, or brother to the list of people who would qualify for a \$1,000 one-time payment under the TANF program for the primary caretakers of a dependent child and would lower the minimum age to qualify from 45 years old to 25 years old. An aunt, uncle, sister, or brother who was at least 25 years old also could serve as the child's protective payee.

The bill would take effect September 1, 2017.

**SUPPORTERS SAY:** HB 132 would make more relatives who care for dependent children eligible to receive the financial support they need to provide for them. Grandparents are the largest group of kin caregivers, but aunts and uncles make up the second-largest group, followed by siblings. Reducing the age requirement from 45 to 25 and opening up the one-time TANF payment and protective payee status to aunts, uncles, or siblings of a dependent child could expand the number of kin available to care for a child in need.

In many situations, these relatives would like to care for a child but cannot afford it. The bill would help them pay for a child's basic needs, including food, clothing, furniture, transportation, and other essentials. Improving the financial capacity of relatives to serve as caregivers would allow children to remain in a more stable environment with family members. This has been shown to lead to better outcomes for children than placement in foster care.

According to the Legislative Budget Board, the bill would have no significant fiscal implication to the state, and any cost to implement its provisions could be absorbed within existing resources.

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OPPONENTS  
SAY: No apparent opposition.

NOTES: A companion bill, SB 212 by Menéndez, was referred to the Senate Committee on Health and Human Services on January 25.

SUBJECT: Allowing city attorneys to sue for alcohol-related common nuisances

COMMITTEE: Judiciary and Civil Jurisprudence — committee substitute recommended

VOTE: 7 ayes — Smithee, Gutierrez, Hernandez, Laubenberg, Murr, Neave,  
Schofield

1 nay — Rinaldi

1 absent — Farrar

WITNESSES: For — Heather Cook, Mayor's Office, City of Houston; (*Registered, but did not testify*: Jessica Anderson, Houston Police Department; Monty Wynn, Texas Municipal League)

Against — None

On — Dexter Jones, Texas Alcoholic Beverage Commission

BACKGROUND: Under Alcoholic Beverage Code, sec. 101.70, a common nuisance is a room, building, boat, structure, or other place where alcoholic beverages are sold, bartered, manufactured, stored, possessed, or consumed in violation of the code. The attorney general or the county or district attorney where the nuisance exists may sue for an injunction to abate and temporarily or permanently enjoin it.

Civil Practice and Remedies Code, ch. 125 defines common nuisance as a place where certain crimes, such as gambling or prostitution, occurs and where people habitually go because of those crimes. A suit to enjoin and abate a common nuisance under ch. 125 may be brought by an individual, the attorney general, or a district, county, or city attorney.

DIGEST: CSHB 256 would allow a city attorney to bring a claim on the city's behalf for a common nuisance under Alcoholic Beverage Code, sec. 101.70 and receive injunctive relief.

The bill would take effect September 1, 2017.



**SUPPORTERS  
SAY:**

CSHB 256 would offer a straightforward way for city attorneys to address Texas Alcoholic Beverage Commission (TABC) violations that create common nuisances. While city attorneys may bring nuisance suits under Civil Practice and Remedies Code, ch. 125, they currently must rely on county, state, and district attorney's offices to bring suit for common nuisances under the Alcoholic Beverage Code.

The inability of city attorneys to bring suit for these nuisances hinders them in certain situations. If an establishment has a TABC violation but no violation under Civil Practice and Remedies Code, ch. 125, the city attorney is unable to act. If both a TABC violation and a ch. 125 common nuisance violation are present, the city attorney may bring a claim only for the ch. 125 violation, which impairs the city's ability to present a full picture of the situation in court. Ch. 125 violations may be discovered as a result of a TABC abatement action. When this occurs, allowing city attorneys to also bring TABC nuisance actions would provide more opportunities to address serious and potentially violent situations.

In cities with no formal land use zoning, such as Houston, common nuisances under the Alcoholic Beverage Code can negatively affect residential areas. Cities are best situated to know about these violations, and city law enforcement officers are often the first to identify them.

This bill would not increase the scope of government, as it would allow city attorneys to use an existing civil remedy. Allowing city attorneys to bring suit for TABC-related common nuisances would reduce the bureaucratic burden for county and state attorneys and could help identify cases involving prostitution or sex trafficking, which place a person's safety at immediate risk.

**OPPONENTS  
SAY:**

CSHB 256 would expand government authority unnecessarily. Nuisance claims already are handled adequately through county, state, and district attorney offices. The bill could encourage government overreach and needlessly would add another entity to an already thorough list of those who may bring suit against individuals for common nuisance violations.

NOTES:           The committee substitute differs from the bill as filed by allowing a city attorney to file suit in the name of the city, rather than in the name of the state.

SUBJECT: Establishing administrative cooperatives for regional advisory councils

COMMITTEE: Public Health — committee substitute recommended

VOTE: 10 ayes — Price, Sheffield, Arévalo, Burkett, Coleman, Cortez, Guerra,  
Klick, Oliverson, Zedler

0 nays

1 absent — Collier

WITNESSES: For — Jennifer Henager, Central Texas Regional Advisory Council;  
Hilary Watt, Coastal Bend Regional Advisory Council; Christine Reeves,  
Heart of Texas Regional Advisory Council; Kenneth Mattox and Darrell  
Pile, Southeast Texas Regional Advisory Council; Eric Epley, Southwest  
Texas Regional Advisory Council; Dudley Wait, TSA-P; (*Registered, but  
did not testify*: Shelby Massey, American Heart Association; Kathy Hutto,  
AstraZeneca Pharmaceuticals; Jessica Follett, CHI St. Luke's Health;  
Chrystal Brown, Cathryn El Burley, Cassandra Campbell, Connie  
Castleberry, Gabrielle Frey, Kimberley Grant, Cynthia Hill, Karen  
Jeffries, Janice Miller, Dorothy Sanders-Thompson, Jill Steinbach, Texas  
Nurses Association; Emily Alexanderson and Melinda Hester, Texas State  
University School of Nursing; Craig Holzheuser, Texas Emergency  
Medical Services Alliance; Sofia Hernandez; Maria Martinez; Crissie  
Richardson)

Against — Paul Vazaldua, Trauma RAC-RGV

On — William Rice, Regional Advisory Council N; (*Registered, but did  
not testify*: Jon Huss, Department of State Health Services; Dinah Welsh,  
Texas Emergency Medical Services, Trauma and Acute Care Foundation)

BACKGROUND: 25 TAC, part 1, ch. 157, subch. G, sec. 157.122 divides the state into 22  
trauma service areas, each of which must have at least one lead general  
trauma facility.

Sec. 157.123 establishes a regional advisory council (RAC) for each

trauma service area. RACs develop trauma system plans that address the coordination of injury prevention, system access, communications, pre-hospital triage, medical oversight, bypass and diversion protocols, regional medical control, and regional trauma treatment guidelines.

**DIGEST:**

CSHB 1148 would require the Department of State Health Services (DSHS) to designate at least eight trauma service area regional advisory councils (RACs) as administrative cooperatives, making them responsible for the administrative functions of RACs in the public health region served by the cooperative.

The cooperatives would perform the following administrative functions on behalf of their RACs:

- contract management;
- grant application management;
- employee benefit management;
- human resource management;
- payroll;
- centralized purchasing agreements; and
- disbursement of funds according to population, annual number of trauma care runs, geographic size, and annual number of deaths.

An administrative cooperative's duties would not include program activities or activity coordination performed by RACs.

RACs could apply to be administrative cooperatives by September 1, 2018. To be designated as a cooperative, an RAC would have to demonstrate that it had the personnel, knowledge, skills, and resources necessary to provide administrative functions for the RACs in its public health region. If no eligible RAC in a public health region applied, DSHS would select the one with the most appropriate qualifications. The bill would require the department to designate cooperatives by September 1, 2019, and the cooperatives would have to begin carrying out their duties by September 1, 2020.

CSHB 1148 also would require the cooperatives to consult with their

RACs and the DSHS Advisory Council to produce a written 25-year plan for coordinating statewide emergency health care services, including trauma, stroke, cardiac, neonatal, maternal, mental health crisis, and emergency medical services. The plan would have to be submitted by September 1, 2021.

RACs could request to retain an administrative function delegated to a cooperative. DSHS would have to grant any request for which it determined that the RAC had the personnel, knowledge, skills, and resources to perform the function in a more cost-effective way than the cooperative.

The bill also would allow RACs to apply for a transfer to the jurisdiction of another administrative cooperative. The Health and Human Services executive commissioner would have to develop criteria to determine which cooperative could provide the necessary services to an RAC in a more cost-effective way.

Cooperatives would have to report annually on the amount of money spent by the cooperative compared to the amount that would have been spent if each RAC provided its own administrative services.

The bill would take effect September 1, 2017, and would apply only to a contract executed on or after that date.

**SUPPORTERS  
SAY:**

CSHB 1148 would promote efficient coordination of statewide emergency services through administrative cooperatives for trauma service area regional advisory councils (RACs). The 25-year plan required by the bill would integrate each region's requirements and demographic expectations to proactively address the state's emergency health care needs. It would result in a more efficient use of resources, reducing fatalities and allowing the state to respond to public health challenges such as lack of access to pre- and neonatal services.

Administrative cost savings produced by the bill would allow regional advisory councils (RACs) to focus on programmatic funding. Consolidating a region's administrative duties would alleviate the burden on smaller RACs that currently use their limited budgets to hire part-time

administrative staff. RACs instead could concentrate their resources on delivering emergency services that save lives.

CSHB 1148 also would increase efficiency and reduce costs through centralized purchasing agreements. This would allow cooperatives to remove duplication in administrative service contracts, freeing money for other purposes.

The bill's annual reporting requirements would protect individual RACs from budgetary losses because cooperatives would have to continually demonstrate they could perform administrative functions for their RACs at a lower cost.

CSHB 1148 would not infringe on RAC autonomy. Under the bill, an RAC could retain an administrative function if it showed it could handle it more efficiently than the cooperative, and RACs could request a transfer of jurisdiction to another administrative cooperative. Even an RAC that left state grant management in the hands of the cooperative still could independently apply for other grants.

The bill also would protect against RACs "flip-flopping" unnecessarily between jurisdictions by requiring the Health and Human Services executive commissioner to determine that the new jurisdiction could more cost-effectively serve the RAC before a change was approved. Changing jurisdictions requires substantial investment and reorganization on behalf of the RACs, which would limit excessive changeover.

Consolidation of administrative responsibility would be preferable to the current system of 22 separate entities. The bill would allow the establishment of eight "or more" cooperatives to give any RAC the chance to opt out of consolidation by becoming its own cooperative.

**OPPONENTS  
SAY:**

CSHB 1148 could infringe on the autonomy of individual RACs by removing their control over procedures such as grant management and purchasing. This could result in administrative cooperatives neglecting the needs of certain RACs, which especially could affect smaller councils with already limited resources. The broad administrative structure created by the bill could end up being more expensive and inefficient than the

current system, potentially leaving RACs with less programmatic funding, rather than more.

CSHB 1148 would create the potential for confusion and sunk costs by allowing RACs to switch between administrative jurisdictions. This could result in RACs "flip-flopping" between cooperatives, creating inefficiencies in budgeting, staffing, and planning.

The bill could invite expansion of bureaucracy by providing for eight "or more" administrative cooperatives. Without an upper limit, the cooperative system could continue to expand, creating an expensive and confusing regulatory challenge.

NOTES:

CSHB 1148 differs from the bill as filed by:

- using the term administrative "cooperatives," rather than "hubs";
- allowing only RACs to apply to be administrative cooperatives, rather than allowing health care entities, including RACs, to apply;
- specifying that an administrative cooperative's duties did not include program activities or activity coordination performed by RACs; and
- specifying that the cooperative to which an RAC requested to transfer would have to be able to provide administrative services in a more cost-effective way than the cooperative currently serving the RAC.

**SUBJECT:** Allowing for the volunteer practice of law by an inactive attorney

**COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment

**VOTE:** 8 ayes — Smithee, Gutierrez, Hernandez, Laubenberg, Murr, Neave, Rinaldi, Schofield

0 nays

1 absent — Farrar

**WITNESSES:** For — Alberto Mesta, Poverty Law Section of the State Bar of Texas; Patricia McAllister, Texas Access to Justice Commission; Beeral Gupta; (*Registered, but did not testify*: Randall Chapman, Texas Legal Services Center)

Against — None

**BACKGROUND:** Government Code, sec. 81.052(b) allows an active member of the State Bar of Texas to request inactive status. Sec. 81.053(a) prohibits an inactive member from practicing law in this state.

**DIGEST:** HB 1020 would allow the Texas Supreme Court to issue rules permitting inactive members of the State Bar of Texas to perform volunteer legal work.

The bill would take effect September 1, 2017.

**SUPPORTERS SAY:** HB 1020 would expand the pool of attorneys available to perform legal aid work. The demand for legal aid services currently exceeds the capacity of available attorneys. This bill would help more individuals obtain just, speedy resolutions to their legal problems by allowing the Texas Supreme Court to promulgate rules for volunteer practice.

As part of its rule-making authority, the Supreme Court would ensure the public was protected and provided qualified legal representation. Volunteer inactive attorneys would be held to the same ethical and legal



standards as any other member of the bar.

An attorney with inactive status remains eligible for active membership, but inactive status is frequently claimed when an attorney retires. These individuals have a wealth of knowledge and experience that would make them valuable resources in the underserved legal aid sector.

Attorneys also sometimes request inactive status to focus on family responsibilities, such as taking care of a newborn or an elderly or infirm family member. This bill would allow them to stay involved in the legal sector while also serving their communities, allowing for smoother potential reentry.

OPPONENTS  
SAY:

No apparent opposition.

NOTES:

A companion bill, SB 435 by Rodríguez, was referred to the Senate State Affairs Committee on February 6.